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April 18, 2005

BY HAND DELIVERY

The Honorable J. Curtis Joyner
United States District Judge
United States Courthouse
601 Market Street, Room 8613
Philadelphia, PA 19106-1751

Re: *El v. SEPTA*, Civil Action No. 02-CV- 3591
Courtesy Copy of Plaintiff's Motion for Leave to Submit a Sur-Reply

Dear Judge Joyner:

Enclosed please find a courtesy copy of Plaintiff's Motion for Leave to Submit a Sur-Reply in the above-captioned case. I have filed this Motion with exhibits *via* ECF and mailed a copy to opposing counsel.

Respectfully submitted,



David J. Cohen

cc: Robert J. Haurin, Esq. (by First Class U.S. mail)
Wayne A. Ely, Esq. (by First Class U.S. mail)

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**DOUGLAS EL,
Individually and on behalf of
all others similarly situated,
Plaintiff,**

V.

**SOUTHEASTERN PENNSYLVANIA
TRANSPORTATION AUTHORITY,
Defendant.**

**CIVIL ACTION
NO. 02-CV-3591**

ORDER

AND NOW, this _____ day of _____, 2005, it is hereby ORDERED

as follows:

1. Plaintiff's Motion for Leave to Submit a Sur-Reply is GRANTED. The Court will consider Plaintiff's Sur-Reply Submission in ruling on Defendant's Amended Motion for Summary Judgement.

BY THE COURT:

J. CURTIS JOYNER, J.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DOUGLAS EL,
Individually and on behalf of
all others similarly situated,
Plaintiff,

v.

SOUTHEASTERN PENNSYLVANIA
TRANSPORTATION AUTHORITY,
Defendant.

CIVIL ACTION
NO. 02-CV-3591

PLAINTIFF'S MOTION FOR LEAVE TO SUBMIT A SUR-REPLY

For the reasons stated in the attached Memorandum, Plaintiff respectfully moves this Court, pursuant to Local Rule 7.1, for leave to file a Sur-Reply in Support of Plaintiff's Summary Judgement Opposition.

Respectfully submitted,



Eugene A. Spector
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(215) 496-0300

Dated: April 18, 2005

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Attorneys for Plaintiff and the Class

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DOUGLAS EL,
Individually and on behalf of
all others similarly situated,
Plaintiff,

v.

SOUTHEASTERN PENNSYLVANIA
TRANSPORTATION AUTHORITY,
Defendant.

**CIVIL ACTION
NO. 02-CV-3591**

**MEMORANDUM IN SUPPORT OF
PLAINTIFF'S MOTION FOR LEAVE TO SUBMIT A SUR-REPLY**

Plaintiff respectfully petitions this Court, pursuant to Local Rule 7.1, for leave to submit a Sur-Reply in Support of his Summary Judgement Opposition.

The relief sought by this Motion – leave to file a sur-reply – is routinely granted in this District at the discretion of the presiding judge. *Local Rule 7.1. See also Sprinturf, Inc. v. Southwest Recreational Industries, Inc.*, 2004 WL 524427 (E.D. Pa. Mar. 12, 2004); *Budget Rent-A-Car System, Inc. v. Chappell*, 304 F.Supp.2d 639 (E.D. Pa. Feb. 2, 2004); *Air Products And Chemicals, Inc. v. Eaton Metal Products Co.*, 272 F.Supp.2d 482 (E.D. Pa. May 27, 2003).

This Court has previously allowed sur-reply briefing on numerous occasions. *See e.g., Marsden v. Select Medical Corp.*, 2005 WL 113128 (E.D. Pa. Jan. 18, 2005) (Joyner, J.); *Burton v. Ken-Crest Services, Inc.*, 127 F.Supp.2d 673 (E.D. Pa. 2001) (Joyner, J.); *Adams v. Allstate Ins. Co.*, 189 F.R.D. 331 (E.D. Pa. 1999) (Joyner, J.).

Plaintiff respectfully submits that there is a genuine, good faith basis for his request to submit a Sur-Reply in this case to address – and provide necessary context to – a limited number of issues raised in SEPTA's April 11, 2005 Summary Judgement Reply.

Respectfully submitted,

Dated: April 18, 2005



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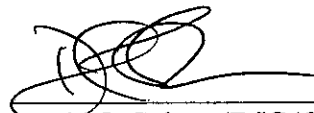
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CERTIFICATE OF SERVICE

I, David J. Cohen, hereby certify that, on this 18th day of April, 2005, a true and correct copy of the Sur-Reply in Support of Motion for Leave to Submit a Sur-Reply was served upon the following counsel by hand delivery:

Robert J. Haurin, Esquire
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the Robinson Building Suite 800
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